

Mattawayh, *al-Muḥīṭ bi'l-taklīf*, Beirut 1385/1965; Djuwaynī, *Warāḥāt*, trans. L. Bercher, in *Revue Tunisienne*, 1930; Bazdawī, *Uṣūl*, Cairo 1307/1889; Sarāḫṣī, *Uṣūl*, Cairo 1372/1952; Ḡhazālī, *Mustasfā*, Cairo 1356/1937; idem, *al-Iḥṣāḍ fi'l-iṭihād*, Cairo 1327; Ḥimīdī, *Iḥkām fi uṣūl al-aḥkām*, Cairo 1345/1926; Khāṭib Baghdādī, *Ta'riḫh Baghdād*, Cairo 1349/1931; Ibn al-Djāwzī, *Muntaẓam*, Ḥaydarābād 1358/1941; Ibn Taymiyya, *Ma'āridī al-wuṣūl*, tr. H. Laoust, Cairo 1358/1939; Ibn Khaldūn, *Muḥaddima*, Cairo n.d.; Snouck Hurgronje, *Le droit musulman*, in *RHR*, xxxvii (Paris 1898); also in *Oeuvres choisies de C. Snouck Hurgronje*, Leiden 1957; I. Goldziher, *Dogme*; idem, *Muh. St.*, ii, Fr. tr. L. Bercher, *Etudes sur la tradition islamique*, Paris 1952; L. Gardet and M. Anawati, *Introduction à la théologie musulmane*, Paris 1948; J. Schacht, *An introduction to Islamic law*, Oxford 1964; idem, *Origins of Muhammadan jurisprudence*,⁴ Oxford 1967; H. Laoust, *Essai sur les doctrines de Ṭaḥī-d-dīn Aḥmad b. Taimniya*, Cairo 1959; idem, *La profession de foi d'Ibn Batta*, Damascus 1958; 'Abd al-Rāzīk, *al-IDjma' fi 'l-sharī'a al-islāmiyya*, Cairo 1366/1947; R. Brunschwig, in *Revue Internationale des Droits de l'Antiquité*, 1949; idem, in *al-And.*, xv (1950); idem, in *St. Isl.*, ii (1955); idem, in *Studi orientalistici*... Levi Della Vida, i, 1956; R. Arnaldez, *Grammaire et théologie chez Ibn-Hazm de Cordoue*, Paris 1956; 'Abd al-Wahhāb al-Khallāf, *'Ilm uṣūl al-fikh*, Cairo 1376/1956; Kemal A. Faruki, *Ijmā' and the gate of ijtihād*, Karachi 1954; idem, *Islamic jurisprudence*, Karachi 1962; Linant de Bellefonds, in *Revue algérienne, tunisienne et marocaine de législation et de jurisprudence*, Algiers 1960; Abdelmagid Turki, *La notion d'ijmā'*, in *IBLA*, no. 110, 1965. For a more exhaustive bibliography see G. Hourani, *The basis of authority of consensus in Sunnite Islam*, in *St. Isl.*, xxi (1964), 13-60; M. Bernard, *L'accord unanime de la communauté comme fondement des statuts légaux de l'Islam* (to appear). (M. BERNAND)

IDJTIHĀD (A.), literally "exerting oneself", is the technical term in Islamic law, first, for the use of individual reasoning in general and later, in a restricted meaning, for the use of the method of reasoning by analogy (*kiyās* [q.v.]). The lawyer who is qualified to use it is called *muḍṭalhid*. Individual reasoning, both in its arbitrary and its systematically disciplined form, was freely used by the ancient schools of law, and it is often simply called *ra'y* [q.v.], "opinion, considered opinion". An older, narrower technical meaning of the term *idjtiḥād*, which has survived in the terminology of the school of Medina, is "technical estimate, discretion of the expert". It was left to Shāfi'ī [q.v.] to reject the use of discretionary reasoning in religious law on principle, and to identify the legitimate function of *idjtiḥād* with the use of *kiyās*, the drawing of conclusions by the method of analogy, or systematic reasoning, from the Qur'an and the *sunna* of the Prophet. This important innovation prevailed in the theory of Islamic law.

During the first two and a half centuries of Islam (or until about the middle of the ninth century A.D.), there was never any question of denying to any scholar or specialist of the sacred Law the right to find his own solutions to legal problems. It was only after the formative period of Islamic law had come to an end that the question of who was qualified to exercise *idjtiḥād* was raised. From about the middle

of the 3rd/9th century the idea began to gain ground that only the great scholars of the past, and not the epigones, had the right to *idjtiḥād*. By the beginning of the fourth century (about A. D. 900), the point had been reached when the scholars of all schools felt that all essential questions had been thoroughly discussed and finally settled, and a consensus gradually established itself to the effect that from that time onwards no one might be deemed to have the necessary qualifications for independent reasoning in law, and that all future activity would have to be confined to the explanation, application, and, at the most, interpretation of the doctrine as it had been laid down once and for all. This "closing of the door of *idjtiḥād*", as it was called, amounted to the demand for *taqlīd* [q.v.], the unquestioning acceptance of the doctrines of established schools and authorities. A person bound to practise *taqlīd* is called *muḥallid*. See further Section II.

Bibliography: J. Schacht, *Origins*, 6 n. 3, 99 f., 116, 127 f.; idem, *Introduction*, 37, 46, 53, 69 ff., and bibliography. (J. SCHACHT)

II. According to the classical doctrine of Islamic legal theory, *idjtiḥād* means exerting oneself to form an opinion (*ẓann*) in a case (*ḥadīyya*) or as to a rule (*ḥukm*) of law (*Lisān*, iv, 109, lines 19 ff.). This is done by applying analogy (*kiyās*) to the Qur'an and the *sunna*. The *muḍṭalhid* is one who by his own exertions forms his own opinion, being thus exactly opposed to the *muḥallid*, "imitator", who, as Subki in his *Djām' al-djāwāmi'* says, "takes the saying of another without knowledge of its basis (*dalīl*)". For thus applying himself he would, according to a tradition from the Prophet, receive a reward even though his decision were wrong; while, if it was right, he received a double reward [see KHATA']. The duty and right of *idjtiḥād* thus did not involve inerrancy. Its result was always *ẓann*, fallible opinion (cf. R. Brunschwig, in *Studi orientalistici in onore di Giorgio Levi Della Vida*, i, Rome 1956, 61-82). Only the combined *idjtiḥād* of the whole Muslim people led to *idjma'*, agreement, and was inerrant. On the controversy as to the possibility of error in *muḍṭalhid*s see Taftāzānī on the *'Aḥkād* of Nasafī, ed. Cairo 1321, 145 ff. But this broad *idjtiḥād* soon passed into the special *idjtiḥād* of those who had a peculiar right to form judgments and whose judgments should be followed by others. At this point, and from the nature of the case, a difference arose between theology (*kalām*) and law (*fikh*). Even to the present day many theologians assert that *taqlīd* does not furnish a saving faith; see for example, the *Kifāyat al-'awāmm* of Faḍālī, *passim*, and the translation in D. B. Macdonald's *Development of Muslim theology*, 315-51. But all canon lawyers for centuries have admittedly been *muḥallids* of one degree or another. When later Islam looked back to the founding of the four legal schools (*madhāhib*), it assigned to the founders and to some of their contemporaries an *idjtiḥād* of the first rank. These had possessed a right to work out all questions from the very foundation [cf. uṣūl], using Qur'an, *sunna*, *kiyās*, *istiḥsān*, *istiṣlāḥ*, *istiḥāb*, etc., and were *muḍṭalhid*s absolutely (*muṭlaq*). Later came those who played the same part within the school (*fi 'l-madhhab*), determining the *furū'* as the masters had settled the broad principles (*uṣūl*) of *fikh* and had laid down fundamental texts (*nuṣūṣ*). If the view so stated was found implicitly in a *naṣṣ* of the founder of the *madhhab*, it was called a *wadīh*. Still later and inferior were those who had a right only by their knowledge of previous decisions to

answer specific questions submitted to them; these were called *mudjtahidūn bi 'l-fatwā*, "for giving legal opinions". All *mudjtahids* had been in a sense *mufṭis*, givers of *fatwās*; but these were *mufṭis* only. Such was the formal and generally accepted position. But from time to time individuals appeared who, moved either by ambition or by objection to recognized doctrines, returned to the earliest meaning of *idjtihād* and asserted the right to form their own opinion from first principles. One of these was Ibn Taymiyya (d. 728/1328; cf. H. Laoust, *Contribution à une étude de la méthodologie canonique de . . . B. Taymiyya*, Cairo 1939). Another was Ibn Ruṣṣd ([q.v.]; Averroes, the philosopher, d. 595/1198; cf. R. Brunschvig, in *Études . . . Lévi-Provençal*, Paris 1962, i, 41, 56-63). Another was Suyūṭī ([q.v.]; d. 911/1505), in whom the claim to *idjtihād* united with one to be the *mudjtaddid*, or "renewer of religion", in his century. At every time there must exist at least one *mudjtahid*, was his contention (Goldziher, *Characteristik . . . us-Suyūṭī's*, 19 ff.), just as in every century there must come a *mudjtaddid*. Another, but a very heretical one, was the Emperor Akbar ([q.v.]; Goldziher, *Vorlesungen*, 311). In Shi'ite Islam there are still absolute *mudjtahids*. This is because they are regarded as the spokesmen of the Hidden Imām (cf. C. Frank, in *Islamica*, ii (1926), 171-92). Their position is thus quite different from that of the 'ulamā' among Sunnis. They freely criticize and even control the actions of the Shāh, who is merely a *locum tenens* and preserver of order during the absence of the Hidden Imām, the ruler *de iure divino* (cf. J. Eliash and N. R. Keddie, both in *Studia Islamica*, xxix (1969)). But the Sunni 'ulamā' are regarded universally as the subservient creatures of the government (Goldziher, *Vorlesungen*, 215-8, 233, 285).

Bibliography: Karāfi, *Tanḳīh al-fuṣūl fi 'l-uṣūl*, Cairo 1306, 18 ff.; also, on the margin, the supercommentary of Aḥmad b. Kāsim on the commentary of Maḥalli on the *Warāḳāt of Djuwaynī*, Imām al-Ḥaramayn, 194 ff.; Snouck Hurgronje, *Verspreide Geschriften*, ii, 304 f. (*Selected writings*, 233 f.); ZDMG, liii, 139 ff. (*Verspreide Geschriften*, ii, 385 ff.); Juynboll, *Handbook*, 32 ff.; *Hand-leiding*, 23-6, 370-3; R. Brunschvig (see above); J.-P. Charmoy, in *St. Isl.*, xix, 65-82; J. Berque, in *L'ambivalence dans la culture arabe*, Paris 1967, 232-52; G. Scarcia, in *RSO*, xxxiii (1958), 211-50. (D. B. MACDONALD*)

III. The question of *idjtihād* and *taḳlīd* continued to be discussed by the Muslim scholars, particularly in the sub-continent of India. Inspired less by this discussion than, to a certain degree, by the doctrine of Ibn Taymiyya and of his disciples, there arose, from the 12th/18th century onwards, individuals and schools of thought who advocated a return to the pristine purity of Islam, such as the Salafiyya [q.v.], who may be called Reformers, and others, from the last decades of the 19th century onwards, who laid the emphasis on renovating Islam in the light of modern conditions, and who may be called Modernists [see ISLĀM]. Both tendencies reject traditional *taḳlīd* and some Modernists, in particular, combine this with extravagant claims to a new, free *idjtihād* which goes far beyond any that was practised in the formative period of Islamic law. But the recent reshaping of institutions of the *shari'a* by secular legislation in several Islamic countries takes its inspiration from modern constitutional and social ideas rather than from the essentially traditional problem of the legitimacy of *idjtihād* and *taḳlīd*. Whereas this problem has largely lost its relevance

in the field of "civil" law, it has retained its full importance as far as the religious duties of Islam in the narrow meaning of the term, such as fasting, are concerned.

Bibliography: J. Schacht, in *Classicisme et déclin culturel dans l'histoire de l'Islam*, Paris 1957, 141-61 and 162-6 (discussion); H. Laoust, *Le réformisme orthodoxe des 'Salafiyya'*, in *REI*, 1932, 175-224; C. C. Adams, *Islam and Modernism in Egypt*, London 1953; H. A. R. Gibb, *Modern trends in Islam*, Chicago 1947; J. Schacht, *Introduction*, 73, 102, and bibliography. (J. SCHACHT)

IDJTIMĀ' [see ISTIKBĀL].

IDMĀR is the infinitive of the verb *aḍmara*/ *yuḍmiru*, "to conceal". The Arab grammarians use it when speaking about an unexpressed grammatical element, supposedly existent and active; it can thus be translated as "imply". The opposite is *iḡhār*, from the verb *aḡhara* "to reveal". A good example of the two is supplied by Ch. 50 of Sibawayhi. One can say (i, 107): *al-ṣabiyya al-ṣabiyya*, "the small boy, the small boy!" with *iḡmār* of a verb in the *dījazm* requiring the *naṣb* of the substantive, or, with *iḡhār* of this verb: *lā tuwaḡḡiṣ al-ṣabiyya*, "do not tread on the small boy". This verb *aḍmara* is used thus in all the "tenses": perfective, imperfective, etc. (so too with *aḡhara*). The infinitive *iḡmār* is particularly to be noted; it appears in the title of 14 chapters of the *Kitāb*. Since Sibawayhi, this verb has formed part of the grammatical vocabulary, e.g.: *al-Zamakhshari, Muṣaṣṣal*¹² (ed. Broch), *yantaṣib bi-an muḍmara* (§ 411), "is put into the *naṣb* by means of an understood". In this sense of "imply" *iḡmār* joins *taḳdīr*; but *taḳdīr*, as the instrument of a method—the system of *ḫiyās*—has a wider use; it extends as far as the admission of a supposition (see H. Fleisch, *Traité*, i, 7).

The verb *aḍmara*, in the *Kitāb*, has a particular use, derived from the sense of "to conceal", signifying: "express by a personal pronoun", e.g.: i, 344, line 13, for *aḍmara*; i, 190, lines 10-11, for *muḍmar*, *tuḍmir*. This use is continued, e.g.: *al-iḡmār ḥabl al-dhikr* (al-Djurdjāni, *Ta'rifāt*, 18). In the *Kitāb*, *iḡmār* refers to the personal pronouns: *huwa*, *hiya*, etc. (i, 188, lines 1-2); by means of them "you conceal (*tuḍmir*) a noun", known beforehand to the listener (*ibid.*, lines 8-9). Sibawayhi also uses for this purpose: '*alāmat al-iḡmār*, "the sign of expression by means of personal pronouns", e.g.: the titles of chaps. 205, 210, 213. For the separate pronouns, the '*alāmat al-iḡmār* is said to be *ṣāhira*, "expressed"; for the affixed pronouns, *al-iḡmār* has no '*alāma ṣāhira* (i, 188, lines 4-8). He calls the demonstrative pronouns (i, 187, lines 2-3) *al-asmā' al-mubhama*.

Ibn al-Sarrāḡi (*al-Muḡīz fi 'l-naḥw*, Beirut 1385/1965) refers to the personal pronouns as *al-maknī* (*al-makniyyāt*) (74); they are divided into: *muttaṣil* (affixed) and *munfaṣil* (separate). He does not omit *ḍamir* (32) or *muḍmar* (55, 65), and he includes (76) in *al-mubhamāt* the demonstrative and the relative pronouns. The principal divisions had been established; but afterwards *al-muḍmar* was preferred to *al-maknī* (the Kūfan term, according to Ibn Hiṣhām, *Sharḥ Shuḍhūr al-dhahab*, 147, ed. Maṭb. Muḥ. 'Alī Ṣābiḥ). Al-Zamakhshari says in the *Muf.*: *al-muḍmar* (*al-muḍmarāt*) (§ 160, 165) for the personal pronouns, and *al-mubham* (*al-mubhamāt*, *al-asmā' al-mubhama*) (§ § 159, 262, 293) for the *asmā' al-iṣhāra* (demonstrative pronouns) and *al-mawṣūlāt* (relative pronouns); *al-ḍamir* is very frequently found as a synonym for *al-muḍmar* (personal pronoun) [see *ḌAMIR* in *EI*¹]. This is the usage of Ibn Mālik in the *Alfiyya*;